

4580

LYDA LOUISE PHILLIPS  
 Complainant,  
 Vs.  
FREDERICK V. PHILLIPS  
 Respondent.

In the Circuit Court.

In Equity No. \_\_\_\_\_.

DECREE PRO CONFESSO ON PERSONAL SERVICE

In this cause, it appears to the Register, that service was had on the Respondent \_\_\_\_\_

XX

FREDERICK V. PHILLIPS

by the Sheriff of Baldwin County, on the 23 day of May  
19 59.

And it futher appears to the Register, that the said \_\_\_\_\_

Frederick V. Phillips

\_\_\_\_\_ the Respondent, having to the date hereof,  
 failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,  
 on motion of ~~Ernest~~ Horne, Webb, & Tucker Solicitors  
 for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,  
 and it hereby is, in all things taken as confessed against the said Frederick V. Phillips

This 22 day of June, 1959.

Ernest Horne  
 Register.

CIRCUIT COURT OF  
BALDWIN COUNTY,  
ALABAMA.  
IN EQUITY

LYDA LOUISE PHILLIPS

Complainant,

Vs.

FREDERICK V. PHILLIPS

Respondent.

DECREE PRO CONFESSO ON  
PERSONAL SERVICE

Issued this \_\_\_\_\_ day of June  
19\_59.

Alice J. Duck

Register.

LYDA LOUISE PHILLIPS           X     IN THE CIRCUIT COURT OF  
                                  X     BALDWIN COUNTY, ALABAMA.  
                                  X     IN EQUITY.  
                                  X     NO. \_\_\_\_\_  
                                  X

On this day came LYDA LOUISE PHILLIPS, and presented unto the Court her sworn petition requesting the temporary custody of JERRY WAYNE PHILLIPS, a minor, during the pendency of her action for divorce filed in the cause, and upon consideration thereof the Court is of the opinion that she is entitled to the relief prayed for in said petition:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that the said LYDA LOUISE PHILLIPS is hereby awarded the custody of the said JERRY WAYNE PHILLIPS, a minor, during the pendency of her cause of action for divorce against the said FREDERICK V. PHILLIPS, and subject to the future orders of this Court.

The Sheriff is requested to forthwith serve a copy of this decree upon the said FREDERICK V. PHILLIPS, the Respondent in this cause.

Dated this 21 day of May, 1959.

Hubert M. Hall  
CIRCUIT JUDGE.

The State of Alabama, \_\_\_\_\_ County.

IN CIRCUIT COURT, IN EQUITY.

LYDA LOUISE PHILLIPS Complainant

VS.

FREDERICK V. PHILLIPS Defendant

In this cause it appearing to the Register

that a Summons requiring the Defendant Frederick V. Phillips

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon Frederick V. Phillips

was served upon Frederick V. Phillips more than thirty days prior to this date, and the said Defendant having failed to demur, plead to or answer

the said Bill of Complaint to this date, it is now, therefore, on motion of Complainant's Solicitor, ordered, adjudged and decreed that the said Bill of Complaint in this cause be, and it

is hereby in all things taken as confessed against the said

Frederick V. Phillips

Defendants.

This the 25 day of June 1959

\_\_\_\_\_  
A. J. \_\_\_\_\_, Register.

**The State of Alabama,**  
\_\_\_\_\_ COUNTY.

**CIRCUIT COURT, IN EQUITY**

vs. **Complainant,**

**Defendant.**

**Decree Pro Confesso on Personal Service.**

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 195\_\_\_\_, Register.

Filed \_\_\_\_\_, 195\_\_\_\_, Clerk,  
**ALICE J. DUCK, REGISTER**  
Recorded in \_\_\_\_\_

Record \_\_\_\_\_

Volume \_\_\_\_\_ Page \_\_\_\_\_, Register.

I hereby certify that the above and foregoing are true and correct copies of the original as the same were filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 195\_\_\_\_, at \_\_\_\_\_, Alabama.

**Frederick A. Phillips**

This is the \_\_\_\_\_ day of \_\_\_\_\_, 195\_\_\_\_.

*[Signature]*

195\_\_\_\_

*[Signature]*

Deputy Clerk

Register

DECREE PRO CONFESSO ON PERSONAL SERVICE Code 314 (Rev. 1-1-55)

The State of Alabama

CIRCUIT COURT, IN EQUITY

vs. RAYMOND HILLIS

Complainant, FREDERICK A. PHILLIPS

Defendant.

JUN 25 1955

ALICE J. DUCK, REGISTER  
Recorded in

Record

Page

Register.

32

The State of Alabama, BALDWIN County

IN THE CIRCUIT COURT, IN EQUITY

LYDA LOUISE PHILLIPS Complainant  
vs.

FREDERICK V. PHILLIPS Respondent

Now comes the Complainant by HER Solicitor of Record, and shows to the Court that on the 20th day of May, 1959, she filed her bill of Complaint in the above stated cause, and a summons issued in said cause and was served by the Sheriff of Baldwin County on the Defendant more than thirty days prior to this date, and said Defendant has to this date failed to appear and demur, plead to, or otherwise answer the allegations of said Bill of Complaint as required by law, the Complainant, by her Solicitor of Record now moves the Register of this court to enter up or render a Decree Pro Confesso in this cause against said Defendant.

This 25 day of June

Frank L. Harne  
1959  
Solicitor for Complainant.

**The State of Alabama,**

\_\_\_\_\_ COUNTY

**IN CIRCUIT COURT, IN EQUITY**

vs. Complainant \_\_\_\_\_

Respondent \_\_\_\_\_

**Motion For Decree Pro Confesso  
On Personal Service**

Filed \_\_\_\_\_, 19 \_\_\_\_\_

**FILED**

*SUN 29 5 24*, Register.

ALICE J. REYNOLDS, REGISTER

Record \_\_\_\_\_

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

Law Offices of  
Horne, Webb & Tucker  
Attorneys at Law  
Atmore, Ala.

FRANK G. HORNE  
DOUGLAS S. WEBB  
J. R. TUCKER

TELEPHONE 49

June 25, 1959

Mrs. Alice J. Duck  
Clerk - Register  
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you will find the Motion for Decree Pro Confesso and Decree Pro Confesso and Commission to take Deposition in the matter of Lyda Louise Phillips, vs., Frederick V. Phillips.

I would appreciate it if you would send to me the cost bill at the time you send me the Commission so that I may send it with my Testimony and Note of Testimony and Final Decree.

Yours very truly,

HORNE, WEBB & TUCKER,

BY: 

FGH/mbj

Endo.



LYDA LOUISE PHILLIPS	X	IN THE CIRCUIT COURT OF
COMPLAINANT.	X	BALDWIN COUNTY, ALABAMA.
VS.	X	IN EQUITY:
FREDERICK V. PHILLIPS	X	
RESPONDENT.	X	

TO: HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT IN EQUITY, BALDWIN COUNTY, ALABAMA.

Now comes the Complainant, Lyda Louise Phillips, humbly complaining of the Respondent, Frederick V. Phillips, in a matter as will hereinafter appear and represents and shows unto your Honoras follows:

1. That both the Complainant and the Respondent are over the age of twenty-one years and that both are bona fide resident citizens of Baldwin County, Alabama, and have so resided for more than one year immediately next preceding the date of the filing of this Bill of Complaint in this cause.
2. That the Complainant and the Respondent were married to each other September 25, 1954, at Frisco City, Alabama, and lived together thereafter as man and wife.
3. That there was born to the union of the Complainant and the Respondent, one child, namely, Jerry Wayne Phillips, a boy, now about four years of age. That this child has been in the care and custody of the Complainant since its birth. That she is in all respects a suitable person to have his care and custody while the Respondent is an ne'er do well, and has no steady job of any kind and no means of taking care of the said child.
4. That on many occasions during the married life of the parties, the Respondent has been cruel to the Complainant, and has struck, mistreated and beat her on occasions. That on, to-wit, the 2nd day of May, 1959, the Respondent struck the Complainant about the face and body with his hands. That this cruelty was of a grave nature and attended with danger to the life or health of the Complainant, and that she can no longer with any degree of

comfort or safety live with the Respondent.

PRAYER FOR PROCESS

To the end that equity may be had in the premises, the Complainant prays that the said Frederick V. Phillips, be made party Respondent to this Bill of Complaint and that a summons be issued and together with a copy of the Bill of Complaint in this cause be served upon him, and that he be required to plead, answer or demur to the within Bill within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The premises considered, the Complainant prays that upon a final hearing of this cause your Honor will make and enter a decree divorcing her forever from the said Frederick V. Phillips and granting her the right to again contract marriage. The Complainant also prays that in and by virtue of said decree she will be awarded the custody of the said Jerry Wayne Phillips, child of the parties, subject to the future orders of this Honorable Court. The Complainant prays all other, further, and additional relief to which she may be entitled in equity and in good conscience, and she will ever pray, etc., etc.

FILED  
MAY 20 1959  
ALICE J. DUCK, CLERK  
REGISTER

HORNE, WEBB & TUCKER,

BY:   
Solicitors for Complainant.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,  
Baldwin County.

Circuit Court, Baldwin County

No. ....

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon FREDERICK V. PHILLIPS

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against .....

FREDERICK V. PHILLIPS ....., Defendant .....

by LYDA LOUISE PHILLIPS ....., Plaintiff .....

Witness my hand this 20 day of May 1959.

Alice J. ..., Clerk

52A

The State of Alabama

Baldwin County

CIRCUIT COURT

LYDA LOUISE PHILLIPS

Plaintiffs

vs.

FREDERICK V. PHILLIPS

Defendants

Summons and Complaint

Filed May 20, 1959

Alice J. Duck Clerk

*Janitor at  
Pike High School  
odd. rt.  
Sumner road*

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

*5/21* 1959

\_\_\_\_\_, Sheriff

I have executed this summons

this 5-23 1959

by leaving a copy with

*Frederick V. Phillips*

Sheriff claims 50 miles at

Ten-Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY *Edlidge Steadham*  
DEPUTY SHERIFF

*Taylor Wilkins* Sheriff

*Edlidge Steadham* Deputy Sheriff

*Robert Daley*

PETITION FOR TEMPORARY CUSTODY OF MINOR CHILD.

LYDA LOUISE PHILLIPS : IN THE CIRCUIT COURT OF  
COMPLAINANT :  
VS: : BALDWIN COUNTY, ALABAMA.  
FREDERICK V. PHILLIPS : IN EQUITY.  
RESPONDENT : NO. \_\_\_\_\_  
:

TO: HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA:  
SITTING IN EQUITY.

Now comes the Complainant, Lyda Louise Phillips, and represents and shows unto Your Honor as follows:

(1) That contemporaneously with the filing of this petition she filed in this Honorable Court a Bill of Complaint seeking a divorce from the Respondent Frederick V. Phillips, and asking in said Bill for the custody of the minor child of the parties Jerry Wayne Phillips, as well as other things.

(2) That the Respondent is a nee "er do well" and is not a suitable person to be entrusted with the custody of the minor child of the parties on this account.

(3) That the child has been in the custody of the Complainant since birth, and that the Respondent has threatened to come and take the child and carry it away beyond the confines of the State of Alabama, and has threatened complainant and complainant feels that the child would not be safe in his custody .

NOW THEREFORE Your Petitioner prays that Your Honor will grant to her the custody of the minor child, Jerry Wayne Phillips, during the pendency of her divorce action subject to the further orders of this Honorable Court, and Your Petitioner asks all other, further, additional and equitable relief to which she may be entitled in the premises, etc. etc.

FILED

MAY 20 1959

ALICE L. DUCK, CLERK  
REGISTER

*Lyda Louise Phillips*  
LYDA LOUISE PHILLIPS, Petitioner

THE STATE OF ALABAMA  
ESCAMBIA COUNTY

Before me, Inez White

the undersigned authority in and for said County in said State,  
personally appeared LYDA LOUISE PHILLIPS, who is known to me,  
and who, being by me first duly sworn doth depose and say:  
that the matters set forth in the foregoing petition are true  
and correct.

Lyda Louise Phillips  
LYDA LOUISE PHILLIPS, Petitioner.

Sworn to and subscribed before me this the 20<sup>th</sup>

day of May, 1959.

Notary Public, State of Alabama  
My commission expires August 15, 1961  
Bonded by Employers Liability Assurance  
Corporation

Inez White  
Notary Public

